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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 STEVEN BRAUNSTEIN,
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11 *Petitioner,*

12 vs.

13 BRIAN WILLIAMS, et al.,
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15 *Respondent.*
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Case No. 2:16-cv-02556-APG-NJK

ORDER

17 This is a habeas corpus proceeding under 28 U.S.C. § 2254.¹ Petitioner has filed a motion for
18 leave to proceed *in forma pauperis* and a financial certificate (ECF No. 1) which show that he is unable
19 to pay the filing fee of \$5.00 required to initiate this action. Accordingly, petitioner's motion for leave
20 to proceed *in forma pauperis* shall be granted, and the Clerk shall be ordered to file the habeas petition
21 submitted with the motion.

22 With his petition, petitioner seeks to challenge the same amended judgment of conviction in at
23 least four previous actions filed in this court: 3:11-cv-00587-LRH-WGC, 3:13-cv-00666-MMD-WGC,
24 2:14-cv-00853-JCM-VCF, and 2:15-cv-00947-RFB-NJK. In the first action listed, this court dismissed
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27 ¹ Though styled as a proceeding under 28 U.S.C. § 2241 and other federal provisions, the
28 petition seeks relief from custody imposed by a state court judgment, which places it under 28
U.S.C. § 2254. *See White v. Lambert*, 370 F.3d 1002, 1007 (9th Cir. 2004) (confirming that § 2254
is the exclusive avenue for a state court prisoner to challenge the constitutionality of his detention).

1 the habeas petition because all of the claims were procedurally defaulted. The second, third, and fourth
2 habeas petitions listed here were, therefore, second or successive habeas corpus petitions. *Henderson*
3 *v. Lampert*, 396 F.3d 1049, 1053 (9th Cir. 2005).

4 Petitioner was required to obtain authorization from the court of appeals before he could
5 proceed with a second or successive petition. 28 U.S.C. § 2244(b)(3). This court dismissed all three
6 petitions because petitioner did not have such authorization. Petitioner again lacks such authorization
7 here. Therefore, this court is without jurisdiction to consider the habeas petition filed herein.

8 Reasonable jurists would not find this conclusion to be debatable or wrong, and the court will
9 not issue a certificate of appealability.

10 **IT THEREFORE IS ORDERED** that petitioner's motion for leave to proceed *in forma*
11 *pauperis* (ECF No. 1) is GRANTED. The clerk shall **file** the habeas petitions submitted with the
12 motion.

13 **IT IS FURTHER ORDERED** that the petition is DISMISSED for lack of jurisdiction.

14 **IT IS FURTHER ORDERED** that the Clerk shall ENTER JUDGMENT accordingly and close
15 this case.

16 **IT IS FURTHER ORDERED** that a certificate of appealability is DENIED.

17 DATED: November 10, 2016.

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20 UNITED STATES DISTRICT JUDGE
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